

CIA Seeking Court Action on

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Its censorship powers bolstered by a new Supreme Court decision, the CIA is seeking court action against the authors of other unauthorized books about its activities, sources said yesterday.

Even before the Supreme Court ruling, which was handed down Tuesday, the Justice Department had filed suit against former CIA officer Philip Agee to confiscate the profits of two controversial books he helped write, exposing the names of CIA agents in Western Europe and Africa.

Sources said the government is considering similar suits against other authors in the wake of the high court decision. CIA officials refused to comment.

"I don't want to prejudice any litigation," CIA Deputy Director Frank Carlucci told a reporter yesterday afternoon following an appearance before a House subcommittee.

In the touchstone case, involving a book by former CIA agent Frank

Snepp that admittedly contained no classified information, the Supreme Court held that the government can severely restrict the release of information bearing on national security by employees and former employees, even if no secret material is involved.

Calls for still more secrecy reverberated on Capitol Hill yesterday. In his testimony before the House government information subcommittee, Carlucci assailed the law that makes CIA files subject to public scrutiny under the Freedom of Information Act.

Meanwhile, at another hearing before a House Foreign Affairs subcommittee, Sen. Barry Goldwater (R-Ariz.), appearing as a witness, urged that journalists who publish sensitive national security information be tried for treason.

Goldwater's ire was provoked by articles in last Friday's editions of *The Washington Post* and last Saturday's *New York Times* reporting on secret U.S. arms shipments to Afghan rebels that were started last month.

"I feel it's very treasonable for any media in this country to come out

with chapter and verse about what we heard in top secret hearings just 2 1/2 weeks ago," the Arizona senator protested. "I think that has to be stopped . . . I think that's abuse of freedom of the press and I don't have any respect for publications that do that because they are tearing down the security of our nation."

Rep. Dan Quayle (R-Ind.), a former newspaper reporter, was the only subcommittee member to challenge Goldwater's testimony.

"I'm a little concerned about your proposals for sanctions against the press rather than against blabbermouth bureaucrats . . . They're the ones who are responsible," Quayle ONES WHO ARE RESPONSIBLE," Quayle told him.

CIA Director Stansfield Turner, who testified later, maintained that the agency has no effective legislation it can use to punish, let alone find out, who the leakers are. All he can do at present, he said, is dismiss offending employees.

The Foreign Affairs subcommittee hearing had been convened to discuss the role of intelligence and foreign

Writers of Unauthorized Books

policy, but it was dominated by Goldwater's denunciations. The vice chairman of the Senate Intelligence Committee, which prides itself on assumptions that it is leak-proof, Goldwater sought repeatedly to claim that "99 percent" of sensitive leaks come from the executive branch rather than Congress.

The Carter administration, however, is seeking charter legislation for the CIA that would sharply cut back the number of congressional committees that must be notified of covert activities such as the Afghan arms shipments. The administration is also unwilling to guarantee by law to share CIA secrets with the two committees that would continue to supervise the agency: the Senate and House Intelligence panels.

House Intelligence Committee Chairman Edward P. Boland (D-Mass.) suggested in his testimony yesterday afternoon that this was carrying the secrecy drive too far.

If congressional oversight of the intelligence community is to be limited to only two committees, Boland said he regards as essential that those two

committees be entitled by law to whatever information it wants.

"... (T)he right of full access, in my view, is the most important part of any legislation otherwise restricting congressional oversight," Boland said. "If we must protect secrets by new legislation, we must also guarantee that the Congress has knowledge of those secrets."

In his parallel appearance before the House government information subcommittee, Carlucci took the position that the congressional oversight now afforded by the Senate and House Intelligence Committees was more than adequate to make up for the loss of public scrutiny under the Freedom of Information Act.

Carlucci acknowledged that the Freedom of Information Act had "perhaps unfairly" come to be tagged as the source of improper disclosures. But he maintained the law still needs to be changed, primarily because the CIA has been unable to convince many of its foreign agents and other sources that they have nothing to fear from it. He called the "perception"

more important than the reality because in intelligence work, he contended, "the perception is the reality."

Forced to comply with the Freedom of Information Act in 1974 by a series of congressional amendments, the CIA is seeking a change that would put most of its operational files beyond the reach of the law and thus of the courts, which enforce it.

It could not be ascertained what books about the CIA are the likeliest targets of new lawsuits. As the result of the Supreme Court decision, Snepp will have to give up all earning from his book, "Decent Interval," and submit all future writings for CIA screening. The government is seeking the same remedy against Agee for his books, "Dirty Work: The CIA in Western Europe," which was published in 1978, and the just-released, "Dirty Work II: the CIA in Africa."

Washington Post staff writer Laura A. Kiernan contributed to this story.